



09-10-02

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Arthur E. Schulze, Tommy G. Cooper, and Emil S. Macha

Serial No.: 09/783,913

Group Art Unit: 2857

Filed: 02/15/01

Examiner: M. Barbee

For: **WIRELESS INTERNET BIO-TELEMETRY MONITORING SYSTEM AND METHOD**

Commissioner for Patents  
Washington D.C. 20231

Dear Sir:

Enclosed please find the following:

1. Response to the Office Action of June 19, 2002 under 37 CFR 1.111;
2. Terminal Disclaimer; and,
3. Check in the amount of \$55.00 under 37 CFR 1.20(d).

The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to Deposit Account No. 18-1579. The Commissioner is also authorized to charge Deposit Account No. 18-1579 for any future fees connected in any way to this application. Two copies of this letter are enclosed

Respectfully submitted,

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September 9, 2002

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For: **WIRELESS INTERNET BIO-TELEMETRY MONITORING SYSTEM AND METHOD**

#6  
9-16-02  
C. Brown

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**RESPONSE UNDER 37 C.F.R. 1.111**  
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SEP 12 2002  
TECHNOLOGY CENTER 2800

Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

In response to the Office Action of June 19, 2002, please reconsider the Application in view of the accompanying Terminal Disclaimer and remarks.

**REMARKS**

Claims 1-22 remain in the Application.

*Double Patenting*

To overcome the Obviousness-type Double Patenting rejection, Applicants hereby submit a Terminal Disclaimer in compliance with 37 CFR 1.321(c).

*Claim Rejections - 35 USC 103*

Claims 1-22 were rejected under 103 as being obvious over Davis et al. in view of Brown. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to